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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,824	01/18/2006	Jean-Paul Froment	15293NP	3170
293 7590 06/02/2008 Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave Suite 406 Alexandria, VA 22314			EXAMINER MUROMOTO JR, ROBERT H	
			ART UNIT 3765	PAPER NUMBER
			MAIL DATE 06/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,824

Applicant(s)

FROMENT ET AL.

Examiner

BOBBY H. MUROMOTO JR

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/15/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyaert US patent 6,009,918 in view of Baumann et al., US patent 6,883,554 .

'918 clearly discloses a heddle frame for use in a power loom (claim 10) in figure 1, showing 2 posts, 2 cross-members, each having heddle catch means as claimed. This heddle frame arrangement is also acknowledged as the common prior art structure of heddle frames in general.

'918 also discloses in various embodiments damping means referred to as insets by Beyaert. '918 discloses these insets as separate members or as adhesively bonded or welded to the frame staves of the heddle frame, as claimed. The insets are also disclosed to cover the entire length of the frame stave as claimed.

Since all structure of claim 1 is clearly disclosed the functional recitations with regards to the installation and holding of the heddle on the frame are inherently presented by the structure in '918.

Figures clearly show the inset 35 in various embodiments (figures 4-11) being held in a 'receiver' of a heddle as claimed.

Figure 8 shows the inset 'opposite' a 'free end' 22 of the heddle as claimed.

Figure 8 also shows the limitations recited in claims 4 and 5.

In regards to claim 6, rail 6 is disclosed by '918 as affixed by fasteners or screws and detachable collar elements 11 are present to prevent heddles from slipping off. Clearly these elements disclose the recitations of claim 6. With respect to the "cooperative shaping" limitation, the rails 6 inherently "cooperate" with the cross-members or else they would not fit and/or function. "Cooperative shaping" is an almost unbounded, extremely broad recitation it is also a functional limitation. Since all structure of the claim is present the function is inherently presented by the structure since it is identical to the structure claimed.

Beyaert discloses that all connections for the frame could be either welded or adhesively bonded as claimed.

Figures show the inset in cross-section in all figures and the shape is constant as claimed.

Figures clearly show the rail in various shapes including 'bent' as claimed.

Although Beyaert teaches essentially all of the limitations of the claimed invention, Beyaert does not show damping elements that provide 'simultaneous

engagement' between a compression and traction zone on first and second ends of the heddle as defined by applicant.

However, Baumann does teach separate, oppositely mounted damping elements 4 and 4' that are used to greatly decrease stresses in the heddle frame due to machine vibrations.

The addition of Baumann's damping elements external to the healds themselves to the Beyaert dampening system would result in the claimed structure and provide the so-called 'simultaneous engagement' as described by applicant.

Therefore it would have been obvious to modify the teachings of Beyaert to include additional damping elements external to the heald that would greatly reduce stresses to the heddle frame and weaving loom due to machine vibrations.

Response to Arguments

Applicant's arguments filed 5/15/2008 have been fully considered but they are not persuasive. Applicant's only argument is that the Beyaert reference does not suggest 'double points of contact' for the healds to the separately mounted opposing damping elements and opposing catching members or staves of the heald frame and that the Baumann reference 'teaches away' from such a relationship.

Applicant appears to have amended claims and added new claims with respect to clarifying the invention with regards to the damping elements and their specific locations and functions.

With regards to these limitations, the examiner first points out that "double points of engagement" is not the claim requirement, that term was only used by examiner as it was presented by the applicant during prosecution prior to the RCE instantly filed.

The examiner has presented a 103 rejection that uses Beyaert as the base reference and relies on Baumann for the teaching of using separate and opposing damping elements mounted on the heald frame's cross members for greatly reducing vibration stresses to the weaving system.

Baumann does not 'teach away' from a configuration that results in reduced vibration through the use of external damping elements. The Baumann reference discussion on 'play' between opposing ends of the heddle is not directed to the use of external damping elements 4, 4' for providing greatly reduced vibration between the heddle and the heddle rail.

Baumann gives explicit motivation in that it teaches 'elastic dampening elements' for providing greatly reduced vibration between the heddle and the heddle rail.

Beyaert also clearly teaches the use of 'playless' dampening connections between the heddle and the heddle rails/supports for greatly reducing noise (vibration) during the weaving process.

These two references clearly teach methods for reducing noise/vibration in the weaving process they are clearly in the same field of technical expertise.

The resultant structure of the addition of external dampening elements 4 and 4' from Baumann to Beyaert would provide the 'simultaneous engagement' between a

Art Unit: 3765

compression and traction zone on first and second ends of the heddle as defined by applicant.

Since these are the only arguments and amendments the rejection remains and is considered to be proper.

Since these arguments are the same as prior arguments and the amendments do not add any limitations beyond what was previously claimed the rejection is a final rejection.

Conclusion

This is a RCE of applicant's earlier Application No. 10/564,824. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOBBY H. MUROMOTO JR whose telephone number is (571)272-4991. The examiner can normally be reached on 8-530, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert H Muromoto, Jr./
Primary Examiner, Art Unit 3765